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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,960	04/11/2005	Hugh David Facey	198/42447/517-PCT-US	2255

279 7590 05/02/2007
Trexler, Bushnell, Giangiorgi,
Blackstone & Marr, Ltd.
105 West Adams Street
Suite 3600
Chicago, IL 60603

EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,960

Applicant(s)

FACEY ET AL.

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-82 is/are pending in the application.
- 4a) Of the above claim(s) 70-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6-6-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 70-82 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in the reply filed on 3-21-07.

2. Applicant's election with traverse of group I in the reply filed on 3-21-07 is acknowledged. The traversal is on the ground(s) that the claimed groups contain similar elements and no serious burden in examination of all pending claims is present. This is not found persuasive because the defined invention groups are of sufficiently divergent material that the requirement is warranted. Applicant is reminded that it is the *evidence* claims that are relied upon for purposes of restriction.

The requirement is still deemed proper and is therefore made FINAL.

3. It is requested that applicant cancel non-elected claims 70-82 in response to this action to facilitate the issue process if the application is ultimately allowed.

4. The abstract of the disclosure is objected to because the term "means" (i.e. legal phraseology) is present throughout. Correction is required. See MPEP § 608.01(b).

5. The drawings are objected to because label "60" on figure 25 should be --69--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

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where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The disclosure is objected to because of the following informalities: the various sections of the instant specification should include section titles (e.g. Brief Description of the Drawings etc.) as per standard U.S. practice.

Appropriate correction is required.

7. Claim 59-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 59, "the free ends" bridging lines 3 and 4, "the platform" in line 4, and "the general plane of the cap" lack clear antecedent basis. Additionally, the recited inoperative position and operative position of line 12 are somewhat confusing and should be related back to the previously recited such positions. The term "the strapping strand" used throughout the claim lacks clear antecedent basis. If "the strapping strand" of line 9 were replaced with --a respective one of said strapping strands--, the claim would be

clear in this regard. Finally, --a—should be inserted before “linkage” of line 11 to remove awkwardness.

Claim 60, the recited inoperative position and operative position are somewhat confusing and should be related back to the previously recited such positions. Note also presence of “the strapping strand” as discussed above regarding claim 1.

Claim 61, note also presence of “the strapping strand” throughout the claim as discussed above regarding claim 1.

Claim 62, the recited lever on line 5 is confusing and appears to be a double inclusion of the lever of the base claim. Note also, “the lever” throughout claims 62, 63, 64, and 66 lack clear antecedent basis as multiple levers per se are previously recited.

Claim 65, “its inoperative position” lacks clear antecedent basis.

Claim 67, “the barrel” lacks antecedent basis as a drum per se does not inherently define a single barrel as such. Note also term “the general plane of the cap” discussed above regarding claim 1.


8. Claims 59-69 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Stephen Gordon
Primary Examiner
Art Unit 3612

stg